UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

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| **UNITED STATES OF AMERICA,** Plaintiff, v. **Hugo Noe CRESPO-Tinoco,** Defendant | Magistrate Docket No. '08 MJ 1269 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States |

The undersigned complainant, being duly sworn, states:

On or about **April 22, 2008** within the Southern District of California, defendant, **Hugo Noe CRESPO-Tinoco,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **24th** **DAY** OF **APRIL, 2008**

Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:**
**Hugo Noe CRESPO-Tinoco**

## PROBABLE CAUSE STATEMENT

On April 22, 2008, Border Patrol Agent J. Rasmusson was performing his assigned duties near Campo, California. At approximately 7:00 p.m., he observed two individuals crossing Highway 94 at Forrest Gate Road and enter a location known as the " Green Store. " This area is approximately nine miles east and one mile north of the Tecate, California Port of Entry.

Agent Rasmusson exited his vehicle and followed the two individuals into the store and identified himself as a United States Border Patrol Agent. Agent Rasmusson questioned the two individuals including one later identified as defendant **Hugo Noe CRESPO-Tinoco**, as to their citizenship. Both individuals stated that they were citizens and nationals of Mexico illegally in the United States without documentation allowing them to remain in this country. Agent Rasmusson placed both of the individuals under arrest and transported them to the Tecate, California processing center in Tecate, California.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **May 18, 2000** through **Otay Mesa, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally. He also stated he was going to Denver, Colorado to work with his family.